

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT NEW YORK

IN RE:	§	CASE NO. 12-12020
	§	
GMAC MORTGAGE, L.L.C., et al	§	Chapter 11
	§	
Debtors	§	Jointly Administered
	§	

PLAINTIFF'S MOTION TO LIFT STAY

Plaintiff, RICHARD D. RODE, files this Motion to Lift Stay, and would show the Court as follows:

1. On May 14, 2012, (the "Petition Date"), the Debtors and certain of their affiliates filed voluntary petitions under Chapter 11 of Title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY, 10004-1408, (the "Bankruptcy Court"). The bankruptcy cases of the Debtors and their affiliates are jointly administered under the Chapter 11 Case for the affiliated debtor Residential Capital, L.L.C., which case is indexed as cause number 12-12020.

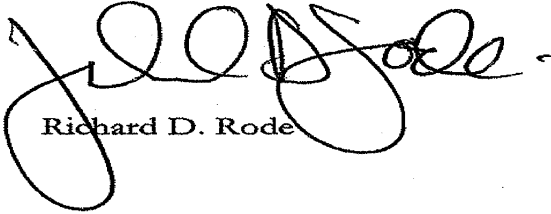
2. On May 22, 2012, Defendants and Debtors, HOMECOMINGS FINANCIAL, L.L.C., and GMAC MORTGAGE, L.L.C., (collectively, the "Debtors", by and through their counsel, filed a Notice of Bankruptcy and Effect of Automatic Stay (attached hereto and incorporated herein as Exhibit "A").

3. Plaintiff, RICHARD D. RODE, requests this Court lift the stay due to the Debtors' sale to Berkshire Hathaway, an entity not in bankruptcy, so that Case No. 12-390 can proceed in federal court in the Southern District of Texas.

Conclusion

For the reason stated above, this case should proceed.

Respectfully submitted,



Richard D. Rode

BY: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via facsimile transmission on the 5th day of November, 2012, on the following counsel of record as indicated below:

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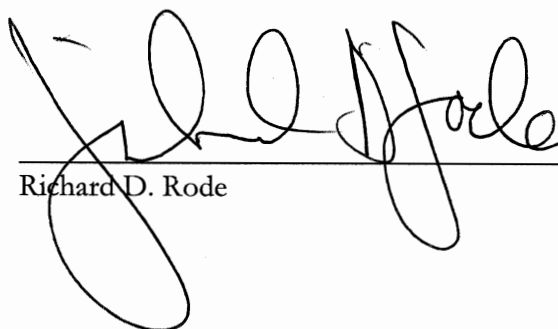
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A handwritten signature in black ink, appearing to read "Richard D. Rode", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

Richard D. Rode